GOVERNMENT OF INDIA
TRIBAL AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:1406
ANSWERED ON:02.08.2005
OWNERSHIP RIGHT OF LAND TO ADIVASIS
Khan Shri Mohammad Tahir;Kushwaha Shri Narendra Kumar;Munshiram Shri ;Shahid Shri Mohammed;Shiwankar Shri Maha Deo Rao

Will the Minister of TRIBAL AFFAIRS be pleased to state:

(a) whether the Government has details pertaining to the forest land inhabited by adivasis in the country;

(b) if so, the details thereof;

(c) if not, whether the Government is intending to conduct/conducting survey to ascertain the forest land area inhabited by adivasis and by when the report is likely to come;

(d) whether the Government has assessed to total percentage of adivasis having ownership right of the land inhabited by them;

(e) if so, the details thereof;

(f) whether the Government is contemplating to bring a Bill to enact law to give ownership right of the land under the possession of Adivasis; and

(g) if so, the details in this regard and by when the law is likely to be enacted?

Answer

MINISTER OF TRIBAL AFFAIRS (SHRI P.R. KYNDIAH)

(a) to (e) The Ministry of Environment & Forests had issued guidelines in 1990 under the Forest(Conservation) Act, 1980 for settlement of rights of forest dwellers on forest land which includes regularization of eligible encroachment, settlement of disputed claims or disputes regarding pattas/leases/grants on forest land. The State Governments/Union Territory Administrations were directed to carry out the required survey and demarcation of forest land to be regularized under these guidelines. However, the data in respect of forest land inhabited by adivasis and the ownership right of land inhabited by them is not maintained at the Ministry level.

(f) & (g) The Ministry of Tribal Affairs has been mandated to formulate a comprehensive Central Legislation to redress the historical injustice done to forest dwelling Scheduled Tribes by providing for clear assertion of their legal rights on land and other traditional forest rights. The Ministry of Tribal Affairs has prepared a draft `The Scheduled Tribes (Recognition of Forest Rights) Bill, 2005`, to provide a legislative frame for recognition of the aforementioned rights, in consultation with the concerned Ministries, including the Ministry of Law & Justice.

The Bill was posted on the website of the Ministry of Tribal Affairs seeking comments/suggestions from the members of the public, the social activists academicians, anthropolosists, the expert working for the cause of environmental protection and welfare of tribal people and other stakeholders on the proposed legislation till 10.7.05. The Ministry has received comments/suggestions from a large number of individuals/organisations. The proposed Bill is still a tentative draft Bill and to be finalized as per the established procedure taking views and comments received from the stakeholders into consideration. No time frame can be indicated.